

REMARKS

The Examiner has noted several informalities in the specification at pages 1, 5, 9 and in claim 6. While the Applicants have corrected three of these matters, they do take issue with the Examiner's assertion that the use of italics in the Latin phrase, *id est* (that is) is improper. With due respect for the rules governing reissue applications, they contend that any reader seeing the abbreviation "*i.e.*", or similarly, "*e.g.*", would not conclude on that basis 1) that the patent is a reissue or 2) that the matter "*i.e.*" is new matter. This "informality" amounts to form over substance. Written material of all forms, including patents and their applications, typically include abbreviations such as *i.e.* and it is appropriate to italicize these.

Dependent claim 3 has been rejected under 35 U.S.C. §112, first paragraph because the specification lacks support for the reference to thickness of the fill yarns. The Applicants note that the claim should have referred to thickness of the warp yarns, for which there is support on page 5, as noted by the Examiner. Accordingly, claim 3 has been amended.

Claims 1, 2 and 4-8 have been rejected under 35 U.S.C. §102(a), as being anticipated by Zell et al, of record. Dependent claim 3 has also been rejected under 35 U.S.C. §103, as being obvious over Zell et al, of record. In support of this rejection, the Examiner contends that yarn thickness to effect a 100% shading is an obvious expedient. The Applicants note the Examiner's acknowledgment that the thicknesses recited in their application, as contrasted with the disclosure in Zell, are different. Nevertheless, they traverse the Examiner's rejections of claim 1 for anticipation and claim 3 for obviousness. In the support of their position, the Applicants note another difference between their invention and the Zell reference which is that the Applicants' weft, or fill yarns, are fibrillated and these yarns are used with flat, non-fibrillated warp yarns to weave the fabrics. Zell only teaches the use of identical yarns, or threads, to weave the fabric. Throughout the Zell specification reference is made to the use of threads. See, for instance, in paragraph 33, "In a particular embodiment, material embodying

the invention was made with 38 threads per inch along one direction (e.g., the horizontal direction) also referred to as the 'warp' and with 13 threads per inch along the other, generally perpendicular direction (e.g., the vertical direction) also referred to as the 'fill'. Although the threads disclosed by Zell have different deniers, there is no disclosure of fibrillated yarns being used to weave the fabrics of the present invention.

The Applicants also disclose at page 5, lines 23-25, "The fibrillated fill yarn has a denier in the range of from about 2000 to 4000, with 3000 being preferred, and is beaten into the fabric as much as the loom will allow to close the openings in the fabric." When looking at the Applicants' Fig. 2, the fill yarns 18 are depicted considerably different from the warp yarns 16. Contrast this to Zell's drawings, Figs. 1-6, where the yarns (or threads) have the same appearance in both directions. A fibrillated yarn is one produced by the process of fibrillation. Fibrillation is defined as "The act of process of forming fibrils. The act of breaking up a fiber, plastic sheet, or similar material into the minute fibrous elements from which the main structure is formed." *DICTIONARY of Fiber & Textile Technology*, 7th Edition, published by KOSA, pg 76. Fibril is similarly defined as "A tiny threadlike element of a synthetic or natural fiber. *Id.* at 76. A fibrillated yarn comprises many individual fibrils, which generally branch from another. While the yarn may appear as a individual strand or component, when pull apart from the sides, it reveals the fibrils. The Applicants contend that the use of a fibrillated fill yarn enables their fabric to provide 100% shade and yet permit water and air to pass therethrough. Although the fabric is tightly woven, it is the fibrillated content that permits the passage of water and air.

While the Applicants believe that this distinction is sufficient to negate the rejection of claim 1, claim 1 has been amended to add the denier of the warp yarn, from dependent claim 2, and the denier of the fibrillated (filling) yarn.

In view of the foregoing remarks, the Examiner is respectfully requested to withdraw the rejections of claims 1-8, a formal Notice of Allowance of claims 1, 3-8 being

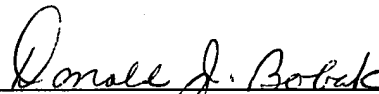
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earnestly solicited. The title of the application has been changed to comport with claim 1, which stated "providing at least 95% shade", when the application was filed.

Should the Office care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call. No new fees are believed due at this time, as the remaining claims do not exceed 20 or two independent claims. Nevertheless, should there be any fees due, the Commissioner is hereby authorized to charge Applicants' attorneys Deposit Account No. 18-0987 for the deficiency.

The Applicants have also submitted separately herewith a request to correct the filing receipt.

Respectfully submitted,



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